IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 7270 of 2007
With
CRIMINAL MISC.APPLICATION No. 6910 of 2007
With
CRIMINAL MISC.APPLICATION No. 6907 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BACHUBHAI MAGANBHAI VAGHARI - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR ASIM PANDYA with MR VIJAY PATEL for Applicant(s) : 1,
MR KT DAVE ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
MR BHARGAV BHATT with MR PS PATEL for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 06/07/2007

ORAL JUDGMENT :

1. Learned counsel Mr.P.S.Patel, and not learned advocate Mr.B.S.Patel, has appeared on

behalf of respondent-accused persons and the earlier order showing the name of learned advocate Mr.B.S.Patel should be read accordingly. Learned A.P.P. Mr.K.T.Dave, appearing for respondent-State, made a statement, on instruction, that the accused persons concerned were not likely to be arrested before examination of and report about genuineness of the documents in question after verification of signatures thereon. Learned counsel Mr.Bhargav Bhatt, appearing with Mr.P.S.Patel, appearing for accused persons, submitted that the accused persons were and would remain available at the address given in the petitions and that they were co-operating with the investigation.

2. In view of the above statement being made and recorded, learned counsel for the petitioner Mr.Asim Pandya, appearing with Mr.Vijay Patel, fairly conceded that challenge to the order granting anticipatory bail to the accused persons had become academic and the petitioner would prefer to oppose regular bail application or application for extension of anticipatory bail as and when they are moved by the accused persons. Therefore, with a view to opposing regular bail application or application for extension of anticipatory bail, and without prejudice to the contentions raised in the present petitions, the

applications were not pressed at this stage. Learned counsel Mr.Bhargav Bhatt expressed no-objection to the applicants applying before the court concerned for being made party in the bail application that may be filed.

3. Therefore, in the above facts, the petitions are permitted to be withdrawn at this stage with liberty to the applicant/original complainant to make appropriate application in the court concerned, if and when the occasion arises, to oppose grant of regular bail or extension of anticipatory bail to the accused persons. Petitions are accordingly disposed as withdrawn. Rule is discharged and interim relief is vacated with no order as to cost.

Sd/-
(D.H.Waghela, J.)

(KMG Thilake)